

ASSEMBLY BILL

No. 1519

Introduced by Assembly Member Emmerson
(Coauthors: Assembly Members Huff, Maze, McCarthy, and
Sharon Runner)
(Coauthor: Senator Soto)

February 22, 2005

An act to amend Sections 26202.6, 26206.8, 34090.6, 34090.8, 53160, and 53162 of, the Government Code, relating to government records.

LEGISLATIVE COUNSEL'S DIGEST

AB 1519, as introduced, Emmerson. Government records: destruction.

Existing law contains various record retention provisions applicable to counties, applicable to cities, and applicable to districts and other entities of local government. Existing law generally allows cities, counties, and special districts to authorize the destruction of recordings of routine video monitoring after one year and of recordings of telephone and radio communications after 100 days.

This bill would authorize destruction of routine video monitoring after 100 days, unless specified circumstances apply. If the recordings are evidence in any pending claim or litigation, or are of an event that was or is the subject of an incident report, the recordings would be required to be preserved until the pending claim, litigation, or incident report is resolved. It would require, for entities utilizing a security system purchased or installed prior to January 1, 2006, to preserve the recordings for as long as the technology allows.

Existing law requires each entity of local government when installing new security systems to purchase and install equipment

capable of storing recorded images for at least one year unless the technology to store the recorded data for one year is not available in an economically or technologically feasible manner, in which case the best available technology with respect to storage capacity is required to be purchased and installed.

This bill would instead require the local government entity, when installing new security systems, to purchase and install the best available technology with respect to storage capacity that is both economically and technologically feasible at that time.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 26202.6 of the Government Code is
2 amended to read:

3 26202.6. (a) Notwithstanding the provisions of Sections
4 26202, 26205, and 26205.1, the head of a department of a
5 county, ~~after one year, may destroy recordings of routine video~~
6 ~~monitoring, and~~ after 100 days, may destroy recordings of
7 telephone and radio communications maintained by the
8 department. This destruction shall be approved by the legislative
9 body and the written consent of the agency attorney shall be
10 obtained. In the event that the recordings are evidence in any
11 claim filed or any pending litigation, they shall be preserved until
12 pending litigation is resolved.

13 (b) For purposes of this section, “recordings of telephone and
14 radio communications” means the routine daily taping ~~and or~~
15 recording of telephone communications to and from a county and
16 all radio communications relating to the operations of the
17 departments.

18 (c) For purposes of this section, ~~“routine video monitoring”~~
19 ~~means videotaping by a video or electronic imaging system~~
20 ~~designed to record the regular and ongoing operations of the~~
21 ~~departments described in subdivision (a), including mobile in-car~~
22 ~~video systems, jail observation and monitoring systems, and~~
23 ~~building security taping systems.~~

24 ~~(d) For purposes of this section, “department” includes a~~
25 public safety communications center operated by the county and

1 the governing board of any special district whose membership is
2 the same as the membership of the board of supervisors.

3 SEC. 2. Section 26206.8 of the Government Code is amended
4 to read:

5 26206.8. (a) When installing new security systems, a transit
6 ~~agency operated by a county shall only purchase and install~~
7 ~~equipment capable of storing recorded images for at least one~~
8 ~~year, unless all of the following conditions apply:~~

9 ~~(1) The transit agency has made a diligent effort to identify a~~
10 ~~security system that is capable of storing recorded data for one~~
11 ~~year.~~

12 ~~(2) The transit agency determines that the technology to store~~
13 ~~recorded data in an economically and technologically feasible~~
14 ~~manner for one year is not available.~~

15 ~~(3) The transit agency purchases and installs the best available~~
16 ~~technology with respect to storage capacity that is both~~
17 ~~economically and technologically feasible at that time.~~

18 (b) Notwithstanding any other provision of law, ~~videotapes or~~
19 ~~recordings made by security systems operated as part of a public~~
20 ~~transit system shall be retained for one year~~ *the head of a*
21 *department of a county shall preserve for 100 days, and after*
22 *that time may destroy, recordings of routine video monitoring,*
23 unless one of the following conditions applies:

24 (1) The videotapes or recordings are evidence in any claim
25 filed or any pending litigation, in which case the videotapes or
26 recordings shall be preserved until the claim or the pending
27 litigation is resolved.

28 (2) The videotapes or recordings recorded an event that was or
29 is the subject of an incident report, in which case the videotapes
30 or recordings shall be preserved until the incident is resolved.

31 (3) ~~The transit agency~~ *county* utilizes a security system that
32 was purchased or installed prior to January 1, ~~2004~~ *2006*, ~~or that~~
33 ~~meets the requirements of subdivision (a),~~ in which case the
34 videotapes or recordings shall be preserved for as long as the
35 installed technology allows.

36 (c) *For purposes of this section:*

37 (1) *“Routine video monitoring” means videotaping or*
38 *electronic recording by a video or electronic imaging system*
39 *designed to record the regular and ongoing operations of the*
40 *departments described in subdivision (a), including mobile in-car*

1 video systems, jail observation and monitoring systems, and
2 building video security systems.

3 (2) "Department" includes a public safety communications
4 center operated by the county and the governing board of any
5 special district whose membership is the same as the membership
6 of the board of supervisors.

7 SEC. 3. Section 34090.6 of the Government Code is amended
8 to read:

9 34090.6. (a) Notwithstanding the provisions of Section
10 34090, the head of a department of a city or city and county, ~~after~~
11 ~~one year, may destroy recordings of routine video monitoring,~~
12 ~~and~~ after 100 days, may destroy recordings of telephone and
13 radio communications maintained by the department. This
14 destruction shall be approved by the legislative body and the
15 written consent of the agency attorney shall be obtained. In the
16 event that the recordings are evidence in any claim filed or any
17 pending litigation, they shall be preserved until pending litigation
18 is resolved.

19 (b) For purposes of this section, "recordings of telephone and
20 radio communications" means the routine daily taping ~~and~~ or
21 recording of telephone communications to and from a city, city
22 and county, or department, and all radio communications relating
23 to the operations of the departments.

24 (c) For purposes of this section, ~~"routine video monitoring"~~
25 ~~means videotaping by a video or electronic imaging system~~
26 ~~designed to record the regular and ongoing operations of the~~
27 ~~departments described in subdivision (a), including mobile in-car~~
28 ~~video systems, jail observation and monitoring systems, and~~
29 ~~building security taping systems.~~

30 ~~(d) For purposes of this section, "department" includes a~~
31 ~~public safety communications center operated by the city or city~~
32 ~~and county.~~

33 SEC. 4. Section 34090.8 of the Government Code is amended
34 to read:

35 34090.8. (a) When installing new security systems, a ~~transit~~
36 ~~agency operated by a city or city and county shall only purchase~~
37 ~~and install equipment capable of storing recorded images for at~~
38 ~~least one year, unless all of the following conditions apply:~~

1 ~~(1) The transit agency has made a diligent effort to identify a~~
2 ~~security system that is capable of storing recorded data for one~~
3 ~~year.~~

4 ~~(2) The transit agency determines that the technology to store~~
5 ~~recorded data in an economically and technologically feasible~~
6 ~~manner for one year is not available.~~

7 ~~(3) The transit agency purchases and installs the best available~~
8 ~~technology with respect to storage capacity that is both~~
9 ~~economically and technologically feasible at that time.~~

10 (b) Notwithstanding any other provision of law, ~~videotapes or~~
11 ~~recordings made by security systems operated as part of a public~~
12 ~~transit system shall be retained for one year~~ *the head of a*
13 *department of a city or city and county shall preserve for 100*
14 *days, and after that time may destroy, recordings of routine video*
15 *monitoring, unless one of the following conditions applies:*

16 (1) The videotapes or recordings are evidence in any claim
17 filed or any pending litigation, in which case the videotapes or
18 recordings shall be preserved until the claim or the pending
19 litigation is resolved.

20 (2) The videotapes or recordings recorded an event that was or
21 is the subject of an incident report, in which case the videotapes
22 or recordings shall be preserved until the incident is resolved.

23 (3) ~~The transit agency~~ *city or city and county* utilizes a
24 security system that was purchased or installed prior to January
25 1, ~~2004~~ 2006, ~~or that meets the requirements of subdivision (a);~~
26 in which case the videotapes or recordings shall be preserved for
27 as long as the installed technology allows.

28 (c) *For purposes of this section:*

29 (1) *“Routine video monitoring” means videotaping or*
30 *electronic recording by a video or electronic imaging system*
31 *designed to record the regular and ongoing operations of the*
32 *departments described in paragraph (2), including mobile in-car*
33 *video systems, jail observation and monitoring systems, and*
34 *building video security systems.*

35 (2) *“Department” includes a public safety communications*
36 *center operated by the county and the governing board of any*
37 *special district whose membership is the same as the membership*
38 *of the board of supervisors.*

39 SEC. 5. Section 53160 of the Government Code is amended
40 to read:

1 53160. (a) The head of a special district, ~~after one year, may~~
2 ~~destroy recordings of routine video monitoring, and after 100~~
3 days, may destroy recordings of telephone and radio
4 communications maintained by the special district. This
5 destruction shall be approved by the legislative body and the
6 written consent of the agency attorney shall be obtained. In the
7 event that the recordings are evidence in any claim filed or any
8 pending litigation, they shall be preserved until pending litigation
9 is resolved.

10 (b) For purposes of this article, “recordings of telephone and
11 radio communications” means the routine daily taping ~~and or~~
12 recording of telephone communications to and from a special
13 district, and all radio communications relating to the operations
14 of the special district.

15 (c) For purposes of this article, ~~“routine video monitoring”~~
16 ~~means videotaping by a video or electronic imaging system~~
17 ~~designed to record the regular and ongoing operations of the~~
18 ~~special district, including mobile in-car video systems, jail~~
19 ~~observation and monitoring systems, and building security taping~~
20 ~~systems.~~

21 ~~(d) For purposes of this article, “special district” shall have the~~
22 same meaning as “public agency,” as that term is defined in
23 Section 53050.

24 SEC. 6. Section 53162 of the Government Code is amended
25 to read:

26 53162. (a) When installing new security systems, a ~~transit~~
27 ~~agency operated by a special district shall only purchase and~~
28 install equipment capable of storing recorded images for at least
29 one year, unless all of the following conditions apply:

30 ~~(1) The transit agency has made a diligent effort to identify a~~
31 ~~security system that is capable of storing recorded data for one~~
32 ~~year.~~

33 ~~(2) The transit agency determines that the technology to store~~
34 ~~recorded data in an economically and technologically feasible~~
35 ~~manner for one year is not available.~~

36 ~~(3) The transit agency purchases and installs the best available~~
37 technology with respect to storage capacity that is both
38 economically and technologically feasible at that time.

39 (b) Notwithstanding any other provision of law, ~~videotapes or~~
40 ~~recordings made by security systems operated as part of a public~~

1 ~~transit system shall be retained for one year~~ *the head of a*
2 *department of a special district shall preserve for 100 days and*
3 *after that time may destroy, recordings of routine video*
4 *monitoring, unless one of the following conditions applies:*

5 (1) The videotapes or recordings are evidence in any claim
6 filed or any pending litigation, in which case the videotapes or
7 recordings shall be preserved until the claim or the pending
8 litigation is resolved.

9 (2) The videotapes or recordings recorded an event that was or
10 is the subject of an incident report, in which case the videotapes
11 or recordings shall be preserved until the incident is resolved.

12 (3) ~~The transit agency~~ *special district* utilizes a security
13 system that was purchased or installed prior to January 1, ~~2004~~
14 ~~2006 or that meets the requirements of subdivision (a),~~ in which
15 case the videotapes or recordings shall be preserved for as long
16 as the installed technology allows.

17 (c) *For purposes of this section:*

18 (1) *“Routine video monitoring” means videotaping or*
19 *electronic recording by a video or electronic imaging system*
20 *designed to record the regular and ongoing operations of the*
21 *departments of a special district, including mobile in-car video*
22 *systems, jail observation and monitoring systems, and building*
23 *video security systems.*

24 (2) *“Special district” shall have the same meaning as “public*
25 *agency” as defined in Section 53050.*